

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CECIL A. MOORE : CIVIL ACTION  
:  
v. :  
:  
RONNIE R. HOLT, et al. : NO. 08-cv-0159

**MEMORANDUM AND ORDER**

Petitioner filed a petition in this court on January 8, 2008, seeking relief pursuant to 28 U.S.C. §2241, in which he challenges the legality of actions by the United States Bureaus of Prisons relating to conditions at the federal correctional facility in which he is incarcerated. Petitioner is not challenging either his federal conviction or his federal sentence in this petition. We note that lawsuits filed by prisoners that attack prison conditions, without attacking the petitioner's conviction and/or sentence, and that do not seek to challenge the fact or duration of custody are not properly pursued under habeas corpus law. Nelson v. Campbell, 541 U.S. 637 (2004); Jupiter v. Warden, U.S.P. Lewisburg, 237 Fed. Appx. 726 (3<sup>rd</sup> Cir. 2007); Leamer v. Fauver, 288 F.3d 532 (3<sup>rd</sup> Cir. 2002). Accord, Glaus v. Anderson, 408 F.3d 382 (7<sup>th</sup> Cir. 2005); Homen v. Hasty, 229 F.Supp. 2d 290 (SDNY 2002).

Accordingly, this Day of January, 2008, it is hereby  
**ORDERED** as follows.

1. Petitioner is granted leave to proceed in forma pauperis in this matter for all purposes.

2. This civil action is **DISMISSED WITHOUT PREJUDICE**
3. The Clerk of this Court shall mark this matter as **CLOSED** for all purposes, including statistics.

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**S/ CYNTHIA M. RUFFE**  
**CYNTHIA M. RUFFE, U.S. District Judge**